



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

MAY 15 2001

REPLY TO
ATTENTION OF

Construction-Operations
Regulatory (01-02953-JAW)

Mr. Daniel R. Mahoney
Rettler Corporation
3317 Business Park Drive
Stevens Point, Wisconsin 54481

Dear Mr. Mahoney:

We have reviewed information about Northland College's plans to discharge fill material into six small wetlands labeled Garage 1, 3, 4, 5, 6, and B, in conjunction with the construction of athletic and recreational facilities. The project site is in Sec. 4, T. 47N., R. 4W., City of Ashland, Ashland County, Wisconsin, as shown on the attached drawing or map.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination includes the proposed impacted wetlands and totals approximately 0.46 acres in size.

The subject impacted wetland areas are not "waters of the United States" because they are: (1) not navigable waters, (2) not interstate waters, (3) not part of a tributary system to 1 or 2, (4) not wetlands adjacent to any of the foregoing, and not impoundments of any of the above. In addition, the interstate commerce nexus to these particular waterbodies is insufficient to establish Clean Water Act jurisdiction. These waterbodies are therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act.

We have determined that one wetland on the project site, the Garage Ravine, is subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. This wetland is adjacent to a tributary of Bay City Creek, which is tributary to Lake Superior, a navigable water of the U.S. As currently shown on the project plans, this wetland will not be impacted. If you are planning any work that will impact this wetland, please contact this office to determine if you will need a Department of the Army permit for your work.

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS (SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY).

If you have any questions, please contact James A. Weinzierl in our Two Harbors office at (218) 834-6630. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

15/ JD

fn Robert J. Whiting
Chief, Regulatory Branch

Copy furnished to: Duane Lahti - WDNR - Brule